

BOARD OF LEGAL DOCUMENT PREPARERS

Meeting Agenda – Monday, March 23, 2015

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 – 10:00 A.M. – Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER*Mary Carlton, Chair*

1) REVIEW AND APPROVAL OF MEETING MINUTES*Mary Carlton, Chair*

1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of January 26, 2015.

2) PENDING COMPLAINTS*Division Staff*

2-A: Review, discussion and possible action regarding complaint numbers 14-L009 and 14-L010 concerning Paris Chacon and Precision Paralegal Services.

2-B: Review, discussion and possible action regarding complaint numbers 14-L019 and 14-L020 concerning Carla Lief and Carla's Paralegal Services.

2-C: Review, discussion and possible action regarding complaint numbers 14-L035 and 14-L036 concerning Von Brothers, LLC dba Lime2Lime and Werner Von Borries.

2-D: Review, discussion and possible action regarding complaint numbers 14-L048 and 14-L049 concerning Rae MacLean and Arizona Document Services.

3) INITIAL CERTIFICATION AND ELIGIBILITY*Division Staff*

3-A: Review, discussion and possible action regarding the following applications for initial individual and/or business entity legal document preparer certification:

- 1. Karyn Wright*
- 2. Lien Research Corp (Karyn Wright)*
- 3. Christy Webster*
- 4. Shannon Balk and All About You Legal Doc Prep, LLC*

5. Susan Getzen
6. Julia Blackshear
7. Viviana Arriola
8. Jennifer Grow
9. Regan Guthrie

3-B: Review, discussion and possible action regarding the following Business Entity Exemption Request for the 2013-2015 certification period.

1. All About You Legal Doc Prep, LLC (Shannon Balk)

3-C: Interview, discussion and possible action regarding the initial individual application for Lupita Navarro.

3-D: Interview, discussion and possible action regarding the initial individual application for Maribel Nava.

4) RENEWAL CERTIFICATION APPLICATIONS.....Division Staff

4-A: Review, discussion, and possible action regarding the following pending applications for renewal of certification:

Marilyn Zimmerman

4-B: Interview, discussion and possible action regarding the renewal application for Carlos Galindo.

5) CERTIFICATION AND ELIGIBILITYDivision Staff

5-A: Review, discussion, and possible action regarding the Voluntary Surrender request received from Jacquelyn Chambers, certification number 81360.

5-B: Review, discussion, and possible action regarding request for placement on Inactive Status received from certified legal document preparer Cindy McCoy, certification number 80971.

6) ADMINISTRATIVE ISSUES.....Division Staff

6-A: Review, discussion and possible action regarding the certification renewal application deadline pursuant to Arizona Code of Administration § 7-201(G)(2).

6-B: Discussion and possible action concerning random audits of continuing education compliance for renewal.

6-C: Nomination and election of the 2015 Board of Legal Document Preparers vice chair.

CALL TO THE PUBLIC*Mary Carlton, Chair*

ADJOURN.....*Mary Carlton, Chair*

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1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of January 26, 2015.

A draft of the regular session minutes for the meeting of January 26, 2015, is attached for the Board's review and consideration.

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2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding complaint numbers 14-L009 and 14-L010 concerning Paris Chacon and Precision Paralegal Services.

RECOMMENDATION:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Paris Chacon and Precision Paralegal Services, LLC have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-L009 and 14-L010.

It is further recommended the Board dismiss complaints 14-L009 and 14-L010.

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2) PENDING COMPLAINTS

2-B: Review, discussion and possible action regarding complaint numbers 14-L019 and 14-L020 concerning Carla Lief and Carla's Paralegal Services, LLC.

RECOMMENDATION:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Carla Lief and Carla's Paralegal Services, LLC have not committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 14-L019 and 14-L020.

It is further recommended the Board dismiss complaint numbers 14-L019 and 14-L020.

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2) PENDING COMPLAINTS

2-C: Review, discussion and possible action regarding complaint numbers 14-L035 and 14-L036 concerning Von Brothers, LLC dba Lime2Lime and Werner Von Borries.

RECOMMENDATION:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Werner Von Borries and Von Brothers, LLC dba Lime2Lime have committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 14-L035 and 14-L036.

It is further recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(k)(6),(7),(8) and (11) for act(s) of misconduct involving failure to practice competently, failure to use an appropriate level of skill, care and prudence in the performance of duties, failure to perform competently by failing to conform to standards of acceptable and prevailing practice and by filing (or causing to be filed) false records with the court. In addition, the certificate holder failed to place their certificate number on the documents in violation of ACJA § 7-208(F)(3).

It is further recommend that the certifications of Werner Von Borries and Von Brothers, LLC dba Lime2Lime be revoked.

If the Board accepts this Recommendation, it is further recommended that any additional complaints against Werner Von Borries and Von Brothers, LLC dba Lime2Lime be held in abeyance unless, in the future, in staff's opinion such complaint needs to be further pursued.

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2) PENDING COMPLAINTS

2-D: Review, discussion and possible action regarding complaint numbers 14-L048 and 14-L049 concerning Rae MacLean and Arizona Document Services.

RECOMMENDATION:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Rae MacLean and Arizona Document Services, LLC have committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint numbers 14-L048 and 14- L049.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(k)(3) for act(s) of misconduct involving contacting opposing counsel and attempting to schedule meet and confer on behalf of her clients as well as analyzing judicial orders and providing interpretation of those orders to opposing counsel and her clients.

It is further recommended that the Board issue a Letter of Concern to Rae MacLean and Arizona Document Services, LLC for the actions described in complaint numbers 14-L048 and 14- L049.

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-A: *Review, discussion and possible action regarding the following applications for initial individual and/or business entity legal document preparer certification.*

The following applicants have submitted applications for initial certification. In the opinion of staff, the applications are complete and no information has been presented during the background which is contrary to certification being granted. The applicants have demonstrated they meet the minimum eligibility requirements for certification. It is recommended initial certification be granted to the following individuals or entities:

1. Karyn Wright
2. Lien Research Corp (Karyn Wright)

Division Staff has processed the following applications for initial certification which are being submitted to the Board for additional review and consideration. In the event the recommendation is to grant with additional non-disclosure language, the following language would be used:

The Board of Legal Document Preparers ("Board") has concluded its review of your application and determined you have satisfied the eligibility requirements for certification. Although the Board is granting you certification, the Board members have concerns regarding the failure to disclose <insert failure of disclosure>. Lack of diligence is not a quality embraced by the Board or your colleagues in the profession, and may jeopardize your success. The Board and the Division place the highest priority on honesty and candor. Your failure to disclose information on future applications may result in denial of your renewal of certification or disciplinary action.

3. Christy Webster – Applicant failed to disclose a bankruptcy filed in 2010. Applicant stated she did not list the bankruptcy on the application as she didn't see any question that asked for the information. Staff reviewed the bankruptcy and determined no adversarial complaints were filed. Therefore, it is recommended to grant initial certification with the above non-disclosure language.
4. Shannon Balk and All About You Legal Doc Prep, LLC – Applicant disclosed two divorce proceeding but failed to disclose a bankruptcy filed in 1997. Applicant stated it was a misunderstanding as she thought the application requested Arizona case history and she didn't think to include the case from the Federal Bankruptcy Court (i.e. her bankruptcy case was filed in Colorado). Staff reviewed the bankruptcy and determined no adversarial complaints were filed. Therefore, it is recommended to grant initial certification with the above non-disclosure language.

5. Susan Getzen – Applicant failed to disclose being involved in 2 civil actions. These cases involve two separate actions for deficiencies related to Home Equity Credit Line given by Plaintiff Charles Schwab Bank NA. The first complaint involved a line of credit in the amount of \$259,171.42, after the foreclosure of the home, the excess fees were transferred to Maricopa County Treasurer. The Court then ordered the release of the balance owed Charles Schwab Bank. The case was dismissed. The second complaint involved a line of credit in the amount of \$144,515.48. The proceeds from the foreclosure on the second property were sufficient to cover only the primary lender. The action went to mediation and a settlement was entered wherein the applicant will make monthly payments over the next 15 years. Applicant stated that she misinterpreted the question to pertain solely to actions specifically associated with professional duties and/or professional conduct issues and that she certainly will be more thorough going forward in respect to such matters and she has taken corrective action to ensure that such inattention will not occur in the future (i.e. will read the questions more carefully and not think in an employment sense, but think in a more global sense). These actions were regarding residential property loan defaults and there does not appear to be any acts of fraud or misrepresentation alleged in these actions. It is recommended to grant initial certification with the above non-disclosure language.
6. Julia Blackshear – Applicant disclosed being terminated from two places of employment. The applicant indicated she was terminated from Pinnacle Nissan as a part-time receptionist in June of 2007 after she inadvertently dropped a phone call. Staff contacted Pinnacle Nissan and they indicated unknown reason for termination as they destroy their files after 5 years. The other termination was from the Salvation Army in July 2009. Applicant indicated she was terminated as a part-time receptionist because she attended her grandfather's funeral in another state with the approval of her manager, however, while she was away she received a phone call stating that she was no longer employed as they needed someone to answer the phones. Staff tried to contact the Salvation Army but was unable to obtain any information regarding this termination. No other information was discovered during the background investigation and therefore it is recommended to grant initial certification.
7. Viviana Arriola – Applicant disclosed being involved in a bankruptcy in 2011. Staff reviewed the bankruptcy and determined no adversarial complaints were filed. Applicant failed to disclose a criminal speeding ticket received in December 2006. Applicant stated she remembered it as a misdemeanor speeding ticket and not a criminal traffic. Therefore, it is recommended to grant initial certification with the above non-disclosure language.
8. Jennifer Grow – Applicant disclosed on her application that she was involved in five civil matters and an employment suspension. The civil matters were a 2013 bankruptcy, two justice court civil actions that were discharged in the bankruptcy, one divorce, and the last one was a petition for Injunction of Harassment she filed against the wife of her ex-husband. The work suspension she disclosed was in 2012 for which she received a two day suspension. Applicant provided documentation regarding that suspension which indicated her actions of misconduct were insubordination, discourteous treatment of the public and willful disobedience.

Staff interviewed the applicant regarding the employment suspension. Applicant indicated she talked, in general terms, but not the specifics of a confidential statement she signed regarding an investigation. Applicant stated that she thought she was a target because there were rumors that she was having an affair with one of the management team. She also stated that she wanted to appeal the action but policy dictated that she would have had to take time off to appeal, however, when she notified her supervisors her intent to appeal she was told she was not approved to take time off and any additional time missed from work would be cause for disciplinary action. She stated that it was not worth risking losing her job so she accepted the suspension. Applicant indicated that she was transferred to another department within CPS. Staff spoke with her current supervisor and she indicated that applicant was professional and there have not been any incidents while employed under her supervision which has been about a year. It is recommended to grant initial certification.

9. Regan Guthrie – At the January Board meeting staff recommended the Board, at the request of the applicant, withdraw her application for certification. Instead, the Board motion that staff conduct further investigation regarding the arrests. Staff has found the following:

- 1) Driving on suspended license and violation of promise to appear
- 2) Theft, forgery, fraudulent schemes and computer tampering – Direct indictment listed 1 count of fraudulent schemes – class 2 felony, 1 count of theft of property or services – class 3 felony, 6 counts of forgery – class 4 felony, and 3 counts of computer tampering – class 3 felony. On January 5, 2015, the applicant entered a plea of guilty to amended count 2 of theft of property or services, a class 6 undesignated offense, to amended count 3 of solicitation to commit forgery, a class 6 undesignated offense, and to amended count 6 of solicitation to commit forgery, a class 6 undesignated offense. On March 3, 2015, applicant was sentenced to 3 years of probation, 15 days in jail, serve up to 40 hours of community restitution, applicant will not engage in accounting, bookkeeping, fiduciary work and/or tax preparation in the state, and pay \$35,000 in restitution to the victims.
- 3) Issuing worthless checks – Dismissed by prosecutor
- 4) Assault – Court dismissed case without prejudice

In addition, background investigation discovered the following civil actions:

- 5) Civil action regarding a dispute with a vendor
- 6) Six actions involving forcible entry/detainer

Given the above conviction and non-disclosure of the civil actions, it is recommended the Board deny the applicant's request to withdraw her application. In addition, it is recommended the Board deny initial certification pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(iv) *has a conviction by final judgment of a felony, regardless of whether civil rights have been restored*, for pleading guilty to theft of property or services, and two counts of solicitation to commit forgery and pursuant to ACJA § 7-201(E)(2)(c)(2)(b)(xv)

failed to disclose information on the certification application subsequently revealed through the background check, for failure to disclose the seven civil actions.

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-B: Review, discussion and possible action regarding the following Business Entity Exemption Request for the 2013-2015 certification period.

It is recommended the following Business Entity Exemption be granted:

1. All About You Legal Doc Prep, LLC (Shannon Balk)

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-C: Interview, discussion and possible action regarding the initial individual application for Lupita Navarro.

At the January meeting, the Board reviewed the pending certification application for Lupita Navarro, deferred consideration of the application and invited Ms. Navarro to attend the March meeting for an interview regarding her failure to disclose civil litigation on her initial application as well as any other questions the Board may have regarding the application.

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3) INITIAL CERTIFICATION AND ELIGIBILITY

3-D: Interview, discussion and possible action regarding the initial individual application for Maribel Nava.

At the January meeting, the Board reviewed the pending certification application for Maribel Nava, deferred consideration of the application and invited Ms. Nava to attend the March meeting for an interview regarding her failure to disclose civil litigation on her initial application, as well as any other questions the Board may have regarding the application.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-A: Review, discussion, and possible action regarding the following pending application for renewal of certification:

The following renewal application was received and processed for Board review:

Marilyn Zimmerman – Ms. Zimmerman disclosed an arrest in September 2011 on a charge of assault/domestic violence involving a physical altercation between herself and her adult daughter. Ms. Zimmerman pled no contest, entered into a plea agreement and completed a domestic violence diversion program. Upon completion of the program, the charges were dismissed. Division staff interviewed Ms. Zimmerman and she expressed remorse for the incident which according to her had occurred while she was in the middle of difficult and stressful divorce proceedings. Ms. Zimmerman indicated that the domestic violence diversion program had helped her, and that she had learned a lot in regard to empathy and self-awareness in times of stress. Although division staff acknowledges the seriousness of Ms. Zimmerman's arrest, it appears that the arrest was an isolated incident. Therefore, staff recommends granting renewal of certification to Marilyn Zimmerman.

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4) RENEWAL CERTIFICATION APPLICATIONS

4-B: Interview, discussion and possible action regarding the renewal application for Carlos Galindo.

At the January meeting, the Board reviewed the pending renewal application for Carlos Galindo and deferred consideration of the renewal application. The Board's deferral occurred so that Mr. Galindo could attend the March meeting for an interview regarding his failure to disclose civil litigation as well as any other questions the Board may have regarding his renewal application.

BACKGROUND:

Galindo failed to disclose being defendant in two civil actions out of Maricopa County Superior Court and two civil actions out of Maricopa Justice Court. In the first action, filed on 12/20/11, plaintiff alleged that Galindo prepared a document for her, but failed to file it with the court. On 3/28/13, Arbitrator found in favor of the plaintiff and against Legalman, LLC in the amount of \$6,534.77. Carlos and Carmen Galindo were dismissed from the case. In the second action, filed on 9/12/12, plaintiff alleged that Galindo, along with several other defendants, placed fliers in downtown neighborhoods that caused libel and slander to the plaintiff. The plaintiff moved to dismiss the complaint and on 12/13/12 it was ordered dismissing the case without prejudice. In the third action, filed on 8/17/12, plaintiff alleged paperwork was supposedly incorrectly completed and/or not filed. This case was dismissed due to the complaint was not served to all defendants within 120 days of the complaint being filed. Fourth action, filed on 1/18/12, plaintiff alleged breach of contract, false representation, and fraudulent schemes. This case went to trial in the Downtown Justice Court and oral motion for summary judgment granted for defendant. Galindo thought he had supplied us with the civil actions as he answered yes to the background information questions, however, the only affidavit he provided was regarding the complaints filed with the Division.

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5) CERTIFICATION AND ELIGIBILITY

5-A: Review, discussion, and possible action regarding the Voluntary Surrender request received from Jacquelyn Chambers, certification number 81360.

On January 23, 2012, the Board of Legal Document Preparers granted initial certification to Ms. Chambers. On January 12, 2015, Ms. Chambers submitted a request for consideration by the Board to accept her voluntary surrender of her individual certification.

ACJA § 7-201 (E)(7) reads:

Voluntary Surrender. A certificate holder in good standing may surrender their certificate to the board. However, the surrender of the certificate is not valid until accepted by the board. The board or division staff may require additional information reasonably necessary to determine if the certificate holder has violated any provision of the statutes, court rules and this section or the applicable section of the ACJA. The surrender does not prevent the commencement of subsequent discipline proceedings for any conduct of the surrendered certificate holder occurring prior to the surrender.

Division records confirm there are no pending complaints against Ms. Chambers.

It is recommended the Board accept the request of Ms. Chambers to voluntarily surrender her certification.

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5) CERTIFICATION AND ELIGIBILITY

5-B: Review, discussion, and possible action regarding request for placement on Inactive Status received from certified legal document preparer Cindy McCoy, certification number 80971.

Ms. McCoy was granted certification on September 17, 2007. On March 12, 2015, Ms. McCoy submitted a request for her certification to be placed on Inactive Status.

ACJA § 7-201 (E)(8)(a) reads:

A certificate holder may transfer to inactive status, upon written request to the board. Upon recommendation of division staff the board may accept the transfer of the certificate holder to inactive status and division staff shall note in the certification database the certificate holder in on inactive status, in good standing. The inactive certificate holder shall not engage in the practice of the profession or occupation of certification pro bono or for a fee or other compensation while on inactive status and shall not present themselves as a certificate holder.

Staff has confirmed Ms. McCoy has no pending complaints.

It is recommended the Board accept Ms. McCoy's request to be placed on inactive status.

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6) ADMINISTRATIVE ISSUES

6-A: Review, discussion and possible action regarding the certification renewal application deadline pursuant to Arizona Code of Administration § 7-201(G)(2).

ACJA § 7-201(G)(2) reads:

Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing the renewal application.

Active certificates expire at midnight on June 30th of each odd numbered year.

Staff recommends the Board establish the 2015-2017 renewal application will open as May 1, 2015 with an additional \$50.00 fee applying on applications submitted after May 31, 2015.

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6) ADMINISTRATIVE ISSUES

6-B: *Discussion and possible action concerning random audits of continuing education compliance for renewal.*

ACJA § 7-208(L)(9)(d) reads:

“Random audits of continuing education compliance. During each renewal review period, the board shall direct division staff to randomly select a specified number of legal document preparers to demonstrate continuing education compliance through submission of proof of continuing education participation. Refusal or failure to respond to a board or division staff request for audit documentation of continuing education compliance documentation may result in denial of renewal of certification or disciplinary action pursuant to ACJA § 7-201(H) and this section.”

It is recommended the Board request staff to sample audit 20% of the legal document preparer pool for continuing education compliance. (Please note there are 498 certified legal document preparers at this time, 20% would be 100.)

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6) ADMINISTRATIVE ISSUES

6-C: *Nomination and election of the 2015 Board of Legal Document Preparers vice chair.*

ACJA § 7-201(I)(3)(b) reads:

Vice Chair. The board shall elect a vice chair from among the appointed members of the board. The vice chair shall serve in the capacity as vice chair for a specified term. If the vice chair resigns or ceases to be a member of the board, the board shall vote to elect a new vice chair from among the existing members. The vice chair shall act as chair in the absence of the chair.

It is recommended the Board nominate and appoint a vice chair for the 2015 calendar year so that other board members have the opportunity to serve in that capacity.